

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**ARNOLD R. DORMER, JR.,**

**Case No. 11-27934-PJD**

**Debtor**

**Chapter 11**

**MOTION TO DETERMINE LOAN BALANCES OWED BY REORGANIZED DEBTOR  
TO DITECH FINANCIAL LLC, AS ASSIGNEE OF BANK OF AMERICA**

Comes now Arnold R. Dormer, Jr., the Reorganized Dormer (“Dormer”), by counsel, and moves the Court, pursuant to the terms of the Confirmed Plan of Reorganization, to determine proper balances owed by Dormer to Ditech Financial LLC, as assignee of Bank of America, and in support of his Motion, would show the Court as follows:

**FACTS**

1. This Chapter 11 case was filed on August 5, 2011.
2. On January 27, 2012, Dormer filed his Second Amended Plan of Reorganization (the “Plan”). Bank of America was listed as a creditor under Class 60 of the Plan.
3. Bank of America filed certain objections to the Plan. With regard to the Class 60 Claim secured by 2467 Yale, Memphis, Tennessee, Dormer and Bank of America resolved the objection by making modifications to the treatment of the Class 60 claim as set forth in the Agreed Order entered on June 12, 2012 [D.E. 554].
4. On August 30, 2012, the Court entered its Order Confirming Plan [D.E. 652].
5. The effective date of the Plan was October 15, 2012.
6. Ditech Financial LLC, as assignee of Bank of America, has failed to provide correct itemized statements of the outstanding loan balances prior to the effective date of the Plan.

7. In spite of repeated communications requesting that Ditech recognize the effect of the confirmed Plan, adjust its records accordingly, and provide correct statements, it has failed to do so.

8. The Reorganized Dormer moves the Court to compel Ditech to comply with the terms of the Agreed Order of June 12, 2012 and the Order Confirming Plan.

WHEREFORE, Dormer prays that the Court make a determination that the principal balance owed to Ditech Financial LLC is as set out in the Agreed Order resolving its Objection to Confirmation as of the Effective Date and that all payments due under the Plan are current, that the Court compel Ditech to comply with the terms of the Agreed Order of June 12, 2012 and the Order Confirming Plan and provide correct statements, and for such other relief to which he may be entitled.

Respectfully submitted,

BEARD & SAVORY, PLLC

/s/ Russell W. Savory

Russell W. Savory (12786)  
Attorney for Arnold R. Dormer, Jr.  
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Memphis, TN 38103  
901-523-1110

CERTIFICATE OF SERVICE

I, Russell W. Savory, do hereby certify that a true and genuine copy of the foregoing pleading has been served on following parties by electronic notice or U.S. Mail, this 2<sup>nd</sup> day of October, 2018:

Ditech Financial LLC  
PO Box 6176  
Rapid City, SD 57709-6176

/s/ Russell W. Savory

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Russell W. Savory